

## MINUTES OF THE CITY COUNCIL

**SAN JOSÉ, CALIFORNIA**

**TUESDAY, APRIL 22, 2008**

The Council of the City of San José convened in regular session at 9:00 a.m. in the Council Chambers at City Hall.

Present: Council Members - Campos, Chirco, Chu, Constant, Cortese, Liccardo, Oliverio, Pyle, Williams; Reed.

Absent: Council Members - Nguyen. (Excused)

Upon motion unanimously adopted, Council recessed at 9:01 a.m. to a Closed Session in Room W133, (A) Public Employment/Public Employee Evaluation Pursuant to Government Code Section 54957: Title: Independent Police Auditor; Name: Barbara Attard. (B) to confer with Legal Counsel pursuant to Government Code Section 54956.9, subsection (c) with respect to anticipated litigation in one (1) matter of initiation of litigation. (C) to confer with Legal Counsel pursuant to: Government Code Section 54956.9, subsection (a) with respect to existing litigation: (1) PG&E v. City, et al.; Names of Parties Involved: Pacific Gas and Electric Company, City of San José, Does 1-xxx; Court: Superior Court of California, County of Santa Clara; Case No: 1-04-CV028407; Amount of Money or other Relief Sought: Condemnation of real property and determination of value of property sought to be condemned; (2) Burnham v. City, et al; Names of Parties Involved: Laura Burnham and Steve Burnham, City of San José, Richard Castro Rubio, Leonel Serrato, Carlos Torres, Ray Vargas and L.S. Trucking, et al., and Does 1-50; Court: Superior Court of California, County of Santa Clara; Case No: 1-07-CV-078760; Amount of Money or other Relief Sought: Damages according to proof. (D) to confer with Labor Negotiator pursuant to Government Code Section 54957.6: City Negotiator: City Manager Designee Alex Gurza; Employee Organizations: (1) Organization or Name and Title of Unrepresented Employees: San José Police Officers' Association; Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and San José Police Officers' Association. (2) Organization or Name and Title of Unrepresented Employees: Municipal Employees Federation, AFSCME Local 101, AFL/CIO; Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and Municipal

**(Cont'd.)**

Employees Federation, AFSCME Local 101, AFL/CIO. (3) Organization or Name and Title of Unrepresented Employees: City Association of Management Personnel Agreement; Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Benefit and Compensation Summary between City of San José and City Association of Management Personnel Agreement. How to obtain a copy of existing contract or MOA: web: <http://www.sanjoseca.gov/employeerelations/moa.asp>; Telephone for Employee Relations: 408-535-8150.

By unanimous consent, Council recessed from the Closed Session at 11:50 a.m. and reconvened at 1:30 p.m. in the Council Chambers.

Present: Council Members - Campos, Chirco, Chu, Constant, Cortese, Liccardo, Oliverio, Pyle, Williams; Reed.

Absent: Council Members - Nguyen. (Excused)

## **INVOCATION**

Piedmont Hills High School Concert Choir sang “Cross the Wide Missouri”. (District 4)

## **PLEDGE OF ALLEGIANCE**

Mayor Reed led the Pledge of Allegiance.

## **ORDERS OF THE DAY**

Upon motion by Council Member Pyle, seconded by Vice Mayor Cortese and carried unanimously, the Orders of the Day and the Amended Agenda were approved, and Item 2.12 was dropped. (10-0-1. Absent: Nguyen)

## **CEREMONIAL ITEMS**

### **1.1 Presentation of a proclamation declaring April 23, 2008 National Wear Denim to Work Day. (Campos/City Manager’s Office)**

Action: Mayor Reed, Council Member Campos and City Manager Debra Figone recognized April 23, 2008 as “National Wear Denim to Work Day” in the City of San José.

- 1.5 Presentation of a commendation to SmartUSA for their exemplary efforts to help grow the local economy and their innovation in helping to solve the climate and energy crises. (Mayor/Constant/Economic Development)  
(Rules Committee referral 4/16/08)**

Action: Mayor Reed, Council Member Constant and the Office of Economic Development recognized and commended SmartUSA for their exemplary efforts to help grow the local economy and their innovation in helping to solve the climate and energy crises.

- 1.8 Presentation of a commendation to the Coyote Valley Specific Plan Task Force for their dedication and commitment for 5 years of service in developing a visioning plan for Coyote Valley. (Williams/Pyle)  
(Rules Committee referral 4/16/08)**

Action: Mayor Reed and Council Members Williams and Pyle recognized and commended the Coyote Valley Specific Plan Task Force for their perseverance and dedication for 5 years of service in developing a visioning plan for Coyote Valley.

- 1.4 Presentation of a proclamation declaring April as “National Volunteers Month” in the City of San José. (Mayor/Cortese)  
(Rules Committee referral 4/16/08)**

Action: Mayor Reed and Vice Mayor Cortese recognized April 2008 as “National Volunteers Month” in the City of San José.

- 1.2 Presentation of a commendation to Pinn Brothers, Old Country Roofing, League for Homes and BP Solar for each being a critical part of and supporting energy for efficient homes and neighborhoods in the City of San José. (Cortese)**

Action: Mayor Reed and Vice Mayor Cortese recognized and commended Pinn Brothers, Old Country Roofing, League for Homes and BP Solar for each being a significant part of and supporting energy for efficient homes and neighborhoods in the City of San José.

## **CONSENT CALENDAR**

Upon motion by Council Member Pyle, seconded by Vice Mayor Cortese and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (10-0-1. Absent: Nguyen.)

- 2.2 Final adoption of ordinances.**  
**(a) ORD NO. 28285 – Rezoning certain real property situated at the southwest corner, between Keesling Avenue and Hamilton Way (1500 Keesling Avenue) from R-1-8 Single Family Residence Zoning District to A(PD) Planned Development Zoning District. (PDC07-079)**

## 2.2 (Cont'd.)

Documents Filed: Proof of Publication of the title of Ordinance No. 28285 executed on April 15, 2008, submitted by the City Clerk.

Action: [Ordinance No. 28285](#) was adopted. (10-0-1. Absent: Nguyen.)

- (b) **ORD. NO. 28286 – Rezoning certain real property situated on the southwest corner of Catherine Street and Gold Street (1081 Catherine Street) to A(PD) Planned Development Zoning District. (PDC06-098)**

Documents Filed: Proof of Publication of the title of Ordinance No. 28286 executed on April 15, 2008, submitted by the City Clerk.

Action: [Ordinance No. 28286](#) was adopted. (10-0-1. Absent: Nguyen.)

## 2.3 **As recommended by the Parks and Recreation Commission, name a new community center located at the Davis Intermediate School campus, “Edenvale Community Center”. (City Clerk)**

Documents Filed: Memorandum from City Clerk Lee Price, dated April 8, 2008, transmitting the recommendation of the Parks and Recreation Commission.

Action: The name “Edenvale Community Center” for the new community center located at the Davis Intermediate School campus was approved. (10-0-1. Absent: Nguyen.)

## 2.4 **As recommended by the Parks and Recreation Commission:**

- (a) **Name the new park located at San Antonio Street opposite of 34<sup>th</sup> Street, “San Antonio Tot Lot”.**
- (b) **Name the new park located at Madden Avenue, east of Jackson Avenue, “Madden Park”.**
- (City Clerk)

Documents Filed: Memoranda from City Clerk Lee Price, both dated April 8, 2008, transmitting the recommendations of the Parks and Recreation Commission.

Action: The names “San Antonio Tot Lot” and “Madden Park” for the two new parks were approved. (10-0-1. Absent: Nguyen.)

## 2.5 **Approval of a contingency budget increase for the project entitled, “San José/Santa Clara Water Pollution Control Plant, FY 2007/08 Capital Improvement Program, Fire Main Replacement Project – Phase I”, by \$60,000 from \$30,000 for a total contingency budget of \$90,000, with no change to the terms of the contract with D&D Pipelines, Inc. CEQA: Exempt, File No. PP07-144. (Environmental Services)**

## 2.5 (Cont'd.)

Documents Filed: (1) Memorandum from Director of Environmental Services John Stufflebean, dated April 1, 2008, recommending approval of the contingency budget increase. (2) Letter from the Treatment Plant Advisory Committee, dated April 10, 2008, stating concurrence with the Staff recommendation.

Action: The contingency budget increase for the project entitled, “San José/Santa Clara Water Pollution Control Plant, FY 2007/08 Capital Improvement Program, Fire Main Replacement Project – Phase I”, by \$60,000 from \$30,000 for a total contingency budget of \$90,000, with no change to the terms of the contract with D&D Pipelines, Inc. was approved. (10-0-1. Absent: Nguyen.)

## 2.6 **Adoption of a resolution authorizing the Director of Finance to execute an amendment to the agreement with National Security Industries to extend the term of the agreement for security guard services for the Water Pollution Control Plant by five months from May 1, 2008 to September 30, 2008, and increase the total compensation by \$125,000 from \$1,195,723 for a not-to-exceed amount of \$1,320,723. CEQA: Not a Project. (Finance)**

Documents Filed: (1) Memorandum from Director of Finance Scott Johnson, dated April 3, 2008, recommending adoption of a resolution. (2) Supplemental memorandum from Director of Public Works Katy Allen, dated April 16, 2008, explaining whether the City’s wage requirements are applicable to security services at the San José/Santa Clara Water Pollution Control Plant. (3) Letter from the Treatment Plant Advisory Committee, dated April 10, 2008, stating concurrence with the Staff recommendation.

Council Member Campos pulled Item 2.6 for clarification. She requested that Staff provide an information memorandum about the normal starting salary rates for security services.

Action: Upon motion by Council Member Campos, seconded by Council Member Williams and carried unanimously, [Resolution No. 74328](#), entitled: “A Resolution of the Council of the City of San José Authorizing the Director of Finance to Execute an Amendment to the Agreement with National Security Industries for Security Guard Services at the Water Pollution Control Plant”, was adopted, with Staff directed to provide an information memorandum stating the normal starting salary rates for security services. (9-0-2. Absent: Constant, Nguyen.)

## 2.7 **Adoption of a resolution authorizing the Director of Finance to execute:**

- (a) **An amendment to the agreement for solid waste collection services from public litter cans with Green Waste Recovery, Inc. to process litter can solid waste at the new Green Waste Recovery, Inc. Materials Recovery Facility beginning May 19, 2008, at an estimated additional annual cost of \$9,136. The additional cost does not increase the original contract amount of \$440,000.**

- 2.7 (b) **An amendment to the agreement for integrated collection services from City facilities with Waste Connections of California, Inc., dba GreenTeam of San José, to process all solid waste collected at the new GreenWaste Recovery, Inc. Materials Recovery Facility beginning May 19, 2008, at an estimated reduction in cost of \$12,000.**

**CEQA: Negative Declaration, File No. SP06-094. (Finance)**

Documents Filed: Memorandum from Director of Finance Scott Johnson, dated April 1, 2008, recommending adoption of a resolution.

Action: [Resolution No. 74329](#), entitled: "A Resolution of the Council of the City of San José Authorizing the Director of Finance to Execute Amendments to the Agreements with Green Waste Recovery, Inc. for Solid Waste Collection from Public Litter Can Services and Waste Connections of California, Inc., DBA GreenTeam of San José, to Process All Solid Waste Collected at the New Green Waste Recovery, Inc. Materials Recovery Facility", was adopted. (10-0-1. Absent: Nguyen.)

- 2.8 **Approval of an agreement with Westin Engineering, Inc. for the implementation of an integrated Computerized Maintenance Management System in an amount not to exceed \$861,000, including an amount of \$80,000 for additional services identified during project implementation, with an initial term of eighteen months for installation and staff training, and a one year maintenance period. CEQA: Not a Project. (Environmental Services/Information Technology)**

Documents Filed: (1) Memorandum from Director of Environmental Services John Stufflebean and Interim Chief Information Officer Randall Murphy, dated April 1, 2008, recommending approval of an agreement. (2) Letter from the Treatment Plant Advisory Committee, dated April 10, 2008, stating concurrence with the Staff recommendation.

Action: The agreement with Westin Engineering, Inc. for the implementation of an integrated Computerized Maintenance Management System in an amount not to exceed \$861,000, including an amount of \$80,000 for additional services identified during project implementation, with an initial term of eighteen months for installation and staff training, and a one year maintenance period was approved. (10-0-1. Absent: Nguyen.)

- 2.9 **Approval of award of open purchase orders for supplies, materials, equipment and services for FY 2007-2008 #8 and authorization for the Director of Finance to execute the purchase orders. CEQA: See Administration's memo to Council for specific CEQA clearance determinations on each recommended action. (Finance)**

Documents Filed: Memorandum from Director of Finance Scott Johnson, dated April 1, 2008, recommending approval of the open purchase orders.

Action: The open purchase orders for supplies, materials, equipment and services for FY 2007-2008 #8 were approved and the Director of Finance was authorized to execute the purchase orders. (10-0-1. Absent: Nguyen.)

- 2.10 Adoption of a resolution designating Applied Development Economics as an authorized representative of the City, for the limited purpose of examination of all sales and use tax records of the California State Board of Equalization, subject to the execution by April 22, 2008 of a consultant agreement requiring compliance by the consultant with the requirements of Revenue and Taxation Code Section 7056 between the City, through its City Manager, and Applied Development Economics. CEQA: Not a Project. (Planning, Building and Code Enforcement)**

Documents Filed: Memorandum from Director of Planning, Building and Code Enforcement Joseph Horwedel, dated April 1, 2008, recommending adoption of a resolution.

Action: [Resolution No. 74330](#), entitled: "A Resolution of the Council of the City of San José Designating Applied Development Economics as a Representative of the City, Authorized to Examine All Sales and Use Tax Records of the California State Board of Equalization in Order to Conduct the Fiscal Impact and Retail Market Analyses for the Envision San José 2040 General Plan Update", was adopted. (10-0-1. Absent: Nguyen.)

- 2.11 (a) Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for 2007-2008:**
- (1) Increase the estimate for Earned Revenue by \$150,000.**
  - (2) Increase the appropriation to the Department of Public Works for the Kingman Avenue and Leigh Avenue; San Antonio Avenue and Scharff Avenue Traffic Signal Installation Project (PSM #497 Amendment 2) in the amount of \$95,000.**
  - (3) Establish an appropriation to the Department of Transportation for the CDBG Funded ADA Accessibility Ramp Construction Project (PSM 528) in the amount of \$55,000.**
- (b) Adoption of a resolution making certain determinations regarding the related expenditure of Redevelopment Agency funds on certain public improvements in connection with the CDBG Funded ADA Accessibility Ramp Construction Project as more specifically described in the memorandum from the Redevelopment Agency, dated March 11, 2008.**

**CEQA: Exempt, File Nos. PP06-210 and PP05-212. Council Districts 3, 5, 6 and 7. SNI: Burbank/Del Monte, Five Wounds/Brookwood Terrace, Mayfair, Spartan/Keyes, Delmas Park, Washington, East Valley/680 and Gateway East. (Public Works/Transportation/City Manager's Office)**

Documents Filed: Memorandum from Director of Public Works Katy Allen, Director of Transportation James Helmer and Acting Budget Director Jennifer Maguire, dated April 1, 2008, recommending adoption of appropriation ordinance and funding sources resolution amendments and a resolution.



## **2.11 (Cont'd.)**

Action: [Ordinance No. 28290](#), entitled: “An Ordinance of the City of San José Amending Ordinance No. 28071 to Appropriate Monies in the Services for Redevelopment Capital Projects Fund for the Kingman Avenue and Leigh Avenue; San Antonio Avenue and Scharff Avenue Traffic Signal Installation Project and for the CDBG Funded ADA Accessibility Ramp Construction Project; and Providing that This Ordinance Shall Become Effective Immediately Upon Adoption”, [Resolution No. 74331](#), entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 73862 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2007-2008 to Adjust Revenues in the Services for Redevelopment Capital Projects Fund” and [Resolution No. 74332](#), entitled: “A Resolution of the Council of the City of San José Making Certain Determinations Regarding the Expenditure of Redevelopment Agency Funds for Certain Public Improvements in the Strong Neighborhoods Initiative Redevelopment Project Area”, were adopted (10-0-1. Absent: Nguyen.)

## **2.12 Approval of travel by Council Member Nguyen to Israel and Palestinian Territories on June 13 – 25, 2008 to serve as a delegate, representing the United States, with the American Council of Young Political Leaders International Exchange Program. Source of Funds: The American Council of Young Political Leaders. (Nguyen)**

Documents Filed: Memorandum from Council Member Nguyen, dated April 16, 2008, requesting approval of travel.

Action: Dropped per Orders of the Day.

## **END OF CONSENT CALENDAR**

## **STRATEGIC SUPPORT SERVICES**

### **3.1 Report of the City Manager, Debra Figone (Verbal Report)**

Action: City Manager Debra Figone reported out the City is providing several kinds of assistance programs to help make Villa Almendra more affordable to potential buyers. She provided an update on the foreclosure crisis and its local impacts, and added that César Chávez Fountain has been turned back on again.

### **3.2 Report of the Rules and Open Government Committee – April 9, 2008 Mayor Reed, Chair**

Documents Filed: The Rules and Open Government Committee Report dated April 9, 2008.

Action: Upon motion by Vice Mayor Cortese, seconded by Council Member Pyle and carried unanimously, the Rules and Open Government Committee Report and the actions of April 9, 2008 were accepted. (9-0-2. Absent: Constant, Nguyen.)



**3.4 Report of the Rules and Open Government Committee  
Mayor Reed, Chair**

- (a) Report of the Rules and Open Government Committee of March 19, 2008**
- (b) Report of the Rules and Open Government Committee of March 26, 2008**
- (c) Report of the Special Meeting of the Rules and Open Government Committee of April 1, 2008**
- (d) Report of the Rules and Open Government Committee of April 2, 2008**

Documents Filed: (1) The Rules and Open Government Committee Reports dated March 19, 2008, March 26, 2008 and April 2, 2008. (2) The Special Rules and Open Government Committee Report dated April 1, 2008.

Public Comments: Reverend Deacon Sal Alvarez (National Farm Worker Ministry) expressed an oppose position for the H2A guest worker.

Action: Upon motion by Vice Mayor Cortese, seconded by Council Member Pyle and carried unanimously the Rules and Open Government Committee Reports and actions of March 19, 2008, March 26, 2008, April 1, 2008 and April 2, 2008 were accepted. (9-0-2. Absent: Constant, Nguyen.)

**3.5 Consider a position on S340 (Feinstein) and HR371 (Berman) – the Agricultural Job Opportunities, Benefits and Security Act of 2007 or the AgJOBS Act of 2007.  
(Rules Committee referral without a recommendation 4/16/08)**

Documents Filed: Memorandum from City Clerk Lee Price, dated April 17, 2008, transmitting the recommendations of the Rules and Open Government Committee.

Public Comments: Reverend Deacon Sal Alvarez (National Farm Worker Ministry) expressed support for AgJOBS Act of 2007.

Motion: Vice Mayor Cortese moved approval of the Staff recommendations. - Council Member Liccardo seconded the motion.

Director of Intergovernmental Relations Betsy Shotwell responded to Council questions.

Council Members Oliverio and Constant objected to support positions to the measures because they do not pertain directly to the City of San José.

Council Members Liccardo and Campos agreed that the measures have a direct impact on the citizens of San José.

Action: On a call for the question, the motion carried, and positions of support for S340 (Feinstein) and HR371 (Berman), the Agricultural Job Opportunities, Benefits and Security Act of 2007 or the AgJOBS Act of 2007, were adopted. (8-2-1. Noes: Constant, Oliverio. Absent: Nguyen.)

**3.6 As recommended by the Rules and Open Government Committee, adopt a position of “oppose unless amended” on State Senate Bill 1577 – Air Carrier Airport Surrendered Items Donation Program. The bill should be opposed unless the following amendments are added:**

- (a) There is no requirement for airports to sort and package materials before providing them to non-profits.
- (b) Require non-profits to maintain liability insurance and to accept all liability for donated items as part of the bill’s definition of “qualified organization”.
- (c) Airports owners, such as the City, are expressly immune from all liability related to the donated items or the program used to collect them.
- (d) Allow the frequency of pick up to be left to mutual agreement of the airport and the nonprofit(s) with the understanding that if agreement could not otherwise be reached, pick up would not be required more frequently than once a week.
- (e) If passes, the bill should not become effective unless: (1) the state agrees the bill creates a state-mandated cost, creating an obligation to reimburse airports for their costs of establishing and operating this program; (2) the funding source for the state’s reimbursement has been identified; and (3) reimbursement can be provided in close proximity to the time of expenditure.

**(Airport)**

**(Rules Committee referral 4/16/08)**

Documents Filed: Memorandum from City Clerk Lee Price, dated April 17, 2008, transmitting the recommendations of the Rules and Open Government Committee.

Action: Upon motion by Council Member Pyle, seconded by Council Member Liccardo and carried unanimously, the position of oppose to the State Senate Bill 1577, Air Carrier Airport Surrendered Items Donation Program was adopted, unless amended. (10-0-1. Absent: Nguyen.)

**3.7 As recommended by the Rules and Open Government Committee, adopt a support position, if amended, for HR 3221 (Dodd and Shelby) – the Foreclosure Prevention Act of 2008. (Housing)**

**(Rules Committee referral 4/16/08)**

Documents Filed: Memorandum from City Clerk Lee Price, dated April 17, 2008, transmitting the recommendations of the Rules and Open Government Committee.

Director of Housing Leslye Krutko responded to Council questions.

Motion: Council Member Liccardo moved approval of the Staff recommendations with Staff directed to report back with updates. Council Member Pyle seconded the motion. Council Member Campos stated as Staff continues to address issues, asked what are the lobbyist boundaries and what tools do they need. Director of Intergovernmental Relations Betsy Shotwell responded that Staff will address those questions.

Council Member Williams requested that Staff focus on the CDBG Program to prevent foreclosures. The amendment was accepted by Council Members Liccardo and Pyle.

### 3.7 (Cont'd.)

Council Member Oliverio objected because the bill does not directly impact the City of San José.

Action: On a call for the question, the motion carried, a position of support for HR 3221 (Dodd and Shelby), the Foreclosure Prevention Act of 2008 was adopted, if amended, with Staff directed to return with updates. (9-1-1. Noes: Oliverio. Absent: Nguyen.)

## COMMUNITY & ECONOMIC DEVELOPMENT

### 4.2 Adoption of a resolution:

- (a) **Authorizing the issuance of tax-exempt multifamily housing revenue bonds designated as "City of San José Multifamily Housing Revenue Bonds (Fairgrounds Senior Housing Apartments), Series 2008B" in an aggregate principal amount not to exceed \$28,000,000 (the "Bonds").**
- (b) **Approving a loan of Bond proceeds to Fairgrounds Senior Housing, L.P., a California limited partnership, for financing a portion of the costs of constructing the Fairgrounds Senior Housing Apartments located at 520 Tully Road in San José.**
- (c) **Approving in substantially final form the Bonds, Trust Indenture, Loan Agreement, Regulatory Agreement, Declaration of Restrictive Covenants and Assignment of Deed of Trust and Loan Documents and Bond Purchase Agreement.**
- (d) **Authorizing the City Manager or authorized designee to execute and, as appropriate, negotiate, execute and deliver these bond documents and other related bond documents as necessary.**

**CEQA: Resolution No. 71359, County Fairgrounds Housing EIR. Council District 7. (Finance/Housing)**

Action: Deferred to April 29, 2008 per Administration.

### 4.3 **Acceptance of the summary of the April 14<sup>th</sup> Task Force meeting, and acknowledge the "Coyote Valley Plan – A Vision for Sustainable Development" as the embodiment of work of the Coyote Valley Specific Plan Task Force. CEQA: Not a Project. (Planning, Building and Code Enforcement)**

Documents Filed: (1) Memorandum from Mayor Reed and Council Members Pyle, Williams and Liccardo, dated April 18, 2008, recommending acceptance the work of the Coyote Valley Task Force with clarifications. (2) Memorandum from Council Member Williams, dated April 22, 2008, recommending acceptance of the Coyote Valley Specific Plan Taskforce I recommendations with clarifications (3) Memorandum from Director of Planning, Building and Code Enforcement Joseph Horwedel, dated April 2, 2008, recommending acceptance and transmitting the Coyote Valley Plan. (4) Supplemental memorandum from Director Horwedel, dated April 17, 2008 transmitting the complete version of the Coyote Valley Plan. (5) Staff presentation dated April 22, 2008 regarding the Coyote Valley Plan. (6) Eight correspondences from the public dated April 22, 2008.

#### 4.3 (Cont'd.)

Assistant Director of Planning, Building and Code Enforcement Laurel Prevetti provided an update on a vision for sustainable development of Coyote Valley.

Public Comments: The following speakers spoke about the impact of the development on the wildlife, climate, housing/job balance, environmental concerns and preserving the Coyote Valley as a wildlife corridor and open space. Gary Patton, Stephen Navarra, Joshua Goodwin, Lori Parsons, Julie Phillips, Laurel Marshall, Lance Freihofer (De Anza College Wildlife Corridor Stewardship Team), Chris Truebridge (Shapell Homes), Javier Perez, Lyn Judd, Tonya Diamond, Donna Wallach, Susan Marsland, Brian Schmidt (Committee for Green Foothills), Leila Forouhl (Save Coyote Valley Coalition), Chris Black, Roger Costa and Jennifer Ralston.

Motion: Council Member Williams moved approval of the his memorandum dated April 22, 2008, approving the memorandum from Mayor Reed and Council Members Pyle, Liccardo and Williams dated April 18, 2008, accepting the Staff recommendations and clarifications as described below in “Action”. Council Member Pyle seconded the motion.

Council Member Oliverio expressed concern about the jobs/housing balance in the City of San José and preferred not to be associated with the Coyote Vision Plan.

Action: On a call for the question, the motion carried, the memorandum from Council Member Williams, dated April 22, 2008 was approved, and accepted the following: (1) Staff’s recommendations regarding Coyote Vision Plan. (2) Recognizing that the Coyote Vision Plan is the completion of the tasks assigned to the Coyote Valley Specific Plan Task Force by the City Council. (3) The memorandum from Mayor Reed and Council Members Pyle, Williams and Liccardo was accepted with the following clarifications: (a) Acknowledge and express appreciation to each of the Coyote Valley Specific Plan Task Force members for their contributions to preparing the “Coyote Valley Plan – A Vision for Sustainable Development” and for the commitment and active engagement in a complex land use planning exercise. (b) Acknowledge and thank each of the landowners that collectively formed the Coyote Housing Group for financing the 5 year planning effort. (c) Acknowledge and thank City staff and consultant team for their efforts to guide and assist with the preparation of a comprehensive plan for Coyote Valley. (d) Direct the General Plan Update 2040 Task Force to ensure that Coyote Valley is included in its citywide consideration of the jobs-housing holding capacity, with no change to the prerequisite conditions and to assume that North Coyote will be built out under the existing entitlements. (9-1-1. Noes: Oliverio. Absent: Nguyen.)

## NEIGHBORHOOD SERVICES

### 5.1 Report of the Neighborhood Services and Education Committee – April 10, 2008 Council Member Chirco, Chair

Documents Filed: The Neighborhood Services and Education Committee Report dated April 10, 2008.

Action: Upon motion by Council Member Chirco, seconded by Council Member Constant and carried unanimously, the Neighborhood Services and Education Committee and the actions of April 10, 2008 were accepted. (10-0-1. Absent: Nguyen.)

- 5.2 (a) **Adoption of a resolution approving a new City Council Policy entitled “Free Use of Community Center Reuse Sites in Exchange for Services that Primarily Benefit San José Residents.”**  
(b) **Direction to staff to oversee review and negotiation of Community Center Reuse property agreements.**  
(c) **Acceptance of the status report of Community Center Reuse.**  
**CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)**  
**[Neighborhood Services and Education Committee referral 04/10/08 – Item (e)]**

Documents Filed: (1) Memorandum from Council Members Liccardo and Pyle, dated April 21, 2008, recommending approval of the Community Center Reuse Policy with direction. (2) Memorandum from Agenda Services Manager Nadine Nader, dated April 11, 2008, transmitting the recommendations of the Neighborhood Services and Education Committee. (3) Letter from the Chair of the Parks and Recreation Commission, dated April 22, 2008, endorsing the proposed Community Center Reuse Policy.

Director of Parks, Recreation and Neighborhood Services Albert Balagso provided background on the community center reuse policy and responded to Council questions.

Motion: Council Member Liccardo moved approval of the Staff recommendations and the memorandum he cosigned with Council Member Pyle. Council Member Oliverio seconded the motion.

Public Comments: Speaking in support of the recommendations were Rufus White, Molly Uzoh (Silicon Valley Future Stars), Patricia Gardner and Joan Rivas-Cosby.

Action: On a call for the question, the motion carried unanimously, [Resolution No. 74333](#), entitled: “A Resolution of the Council of the City of San José Approving a New Council Policy Entitled Free Use of Community Center Reuse Sites in Exchange for Services that Primarily Benefit San José Residents”, was adopted, as amended: to amend the proposed Council Policy on “Free Use of Community Center Reuse Sites in Exchange for Services that Primarily Benefit San José Residents” (Attachment I to the Staff memorandum) on Page 3, Paragraph 1, to allow for a term of five years for any community center whose lease term is not restricted by Article XVII, Section 1700 of the City Charter Approved and the Community Reuse Policy and Status of the Community Center Reuse Report was accepted. (10-0-1. Absent: Nguyen.)

## **TRANSPORTATION & AVIATION SERVICES**

### **6.1 Report of the Transportation and Environment Committee – April 7, 2008 Council Member Williams, Chair**

Documents Filed: The Transportation and Environment Committee Report dated April 7, 2008.

Action: Upon motion by Council Member Williams, seconded by Council Member Constant and carried unanimously, the Transportation and Environment Committee Report and the actions of April 7, 2008 were accepted. (10-0-1. Absent: Nguyen.)

## **ENVIRONMENTAL & UTILITY SERVICES**

- 7.1 (a) Consent to the request of Helix Electric to be relieved of its low bid for the Switchgear M5, Interim Ring Bus, and Medium Voltage Cables Replacement Design-Build Project based upon a mistake in filling out the bid.**
- (b) Report on bids and award of contract for the Switchgear M5, Interim Ring Bus, and Medium Voltage Cables Replacement Design-Build Project to the lowest responsive bidder, Rosendin Electric, Inc., for the base bid and Add Alternate Nos. 1 through 6 in the total amount of \$11,319,500; and approval of a budget contingency in the amount of \$1,131,950.**

**CEQA: Exempt, File No. PP04-03-079. (Environmental Services)**

Documents Filed: (1) Memorandum from Director of Environmental Services John Stuffelbean, dated April 1, 2008, recommending that Helix Electric be relieved of its low bid and award of the contract to the low bidder, Rosendin Electric. (2) Letter from the Treatment Plant Advisory Committee, dated March 25, 2008, stating concurrence with the Staff recommendation.

Public Comments: Ross Signorino spoke about the bid and living wages.

Action: Upon motion by Council Member Williams, seconded by Council Member Constant and carried unanimously, and Helix Electric was relieved of its low bid and the contract for the Switchgear M5, Interim Ring Bus, and Medium Voltage Cables Replacement Design-Build Project to the lowest responsive bidder, Rosendin Electric, Inc., for the base bid and Add Alternate Nos. 1 through 6 in the total amount of \$11,319,500, with related contingency was approved. (10-0-1. Absent: Nguyen.)

### **7.2 Acceptance of the status report on the City's Green Building Program, and recommend City Council approval of the following actions, consistent with the recommendations of the Santa Clara County Cities Association:**

- (a) Adoption of a resolution recognizing GreenPoint Rated and LEED as reference standards for new residential and non-residential construction, respectively and;**

*(Continued on the next page)*

**7.2 (b) Directing staff to incorporate the use of a green building checklist for planning applications.**

**CEQA: Not a Project. (City Manager's Office)**

**[Transportation and Environment Committee referral 4/7/08 – Item (d)]**

Documents Filed: Memorandum from Agenda Services Manager Nadine Nader, dated April 8, 2008, transmitting the recommendations of the Transportation and Environmental Committee.

Director of Planning, Building and Code Enforcement Joseph Horwedel provided a brief update on the City's Green Building Program

Action: Upon motion by Council Member Campos, seconded by Council Member Chirco and carried unanimously, [Resolution No. 74334](#), entitled: "A Resolution of the Council of the City of San José Recognizing Green Point Rated and LEED as Reference Standards for the City of San José's Implementation of Its Green Building Program", was adopted. (10-0-1. Absent: Nguyen.)

**7.3 Acceptance of status report, review of progress and key issues for the continued preparation of the Draft Santa Clara Valley Habitat Plan. CEQA: Incomplete. (Planning, Building and Code Enforcement)**

**[Transportation and Environment Committee referral 4/7/08 – Item (e)]**

Documents Filed: Memorandum from Agenda Services Manager Nadine Nader, dated April 8, 2008, transmitting the recommendations of the Transportation and Environmental Committee.

Principal Planner Darryl Boyd provided a status report of the draft Santa Clara Valley Habitat Plan.

Council discussion followed.

Public Comments: Sequoia Hall (Santa Clara County Open Space Authority) and Stephen Navarra spoke about the habitat plan.

No Council action was necessary.

**OPEN FORUM**

(1) Mark Trout expressed religious viewpoints.

**ADJOURNMENT**

The Council of the City of San José adjourned the afternoon session at 5:10 p.m.



## RECESS/RECONVENE

The City Council recessed at 5:10 p.m. from the afternoon Council Session and reconvened at 7:01 p.m. in the Council Chambers, City Hall.

Present: Council Members - Campos, Chirco, Chu, Constant, Cortese, Liccardo, Oliverio, Pyle, Williams; Reed.

Absent: Council Members - Nguyen. (Excused)

Interim Assistant City Clerk Dennis Hawkins read the requests for continuance of the applications. Upon motion by Council Member Chirco, seconded by Council Member Oliverio, and carried unanimously, the below noted continuances and actions were taken as indicated. (10-0-1. Absent: Nguyen.)

## CEREMONIAL ITEMS

- 1.3 Presentation of a proclamation declaring April as “Month of the Young Child” in the City of San José, and presentation of commendations to Outstanding Childcare Contributor awardees St Elizabeth’s Day Home and Gay Cava, Director of the San José State Toddler, and winner of the George Howard Award, Inclusion Collaborative of Santa Clara County. (Chirco)**  
**(Rules Committee referral 4/16/08)**

Action: Mayor Reed and Council Member Chirco recognized April 2008 as “Month of the Young Child” in the City of San José and commended the Outstanding Childcare Contributor awardees St Elizabeth’s Day Home and Gay Cava, Director of the San José State Toddler, and winner of the George Howard Award, Inclusion Collaborative of Santa Clara County.

- 1.6 Presentation of a commendation to the San José Public Library Foundation for the outstanding contributions they have made to libraries across San José. (Oliverio)**  
**(Rules Committee referral 4/16/08)**

Action: Mayor Reed and Council Member Oliverio recognized and commended the San José Public Library Foundation for their exceptional contributions to the libraries across the City of San José.

- 1.7 Presentation of a commendation to the Friends of the Los Alamitos Watershed for their volunteerism and commitment to maintaining the environmental health and cleanliness of the Los Alamitos Creek. (Pyle)**  
**(Rules Committee referral 4/16/08)**

Action: Mayor Reed and Council Member Pyle recognized and commended the Friends of the Los Alamitos Watershed for their volunteerism and commitment to maintaining the environmental health and cleanliness of the Los Alamitos Creek.

## JOINT COUNCIL/REDEVELOPMENT AGENCY

The Redevelopment Agency Board was convened at 7:19 p.m. to consider Item 9.1 in a Joint Session.

- 9.1 It is recommended that the City Council and Redevelopment Agency Board:**
- (a) Accept the final guiding principles and recommendations of the North San José Neighborhoods Planning Task Force.**
  - (b) Accept the Schools Report, Parks and Recreation Report, Retail Report and maps presented to the North San José Neighborhoods Planning Task Force.**
  - (c) Direct the City Manager and Executive Director to develop an Implementation Strategy for North San José, including design guidelines and an ongoing approach to involve the public using the guiding principles and recommendations of the North San José Neighborhoods Planning Task Force.**

**CEQA: Not a Project. (City Manager's Office/Redevelopment Agency)  
(Deferred from 4/15/08 – Item 9.1)**

Documents Filed: (1) Memorandum from Mayor Reed and Council Member Chu, dated April 18, 2008, recommending approval of the Staff recommendations with amendments. (2) Memorandum from Council Member Liccardo, dated April 18, 2008, recommending approval of the Task Force recommendations. (3) Memorandum from Redevelopment Agency Executive Director Harry S. Mavrogenes and City Manager Debra Figone, dated April 4, 2008, recommending acceptance of the items depicted in 9.1(a)-(c) above and transmitting the reports. (4) Three correspondences dated April 22, 2008 submitted from the public.

Redevelopment Agency Deputy Director John Weis introduced the Staff. Redevelopment Agency Planning Coordinator Kip Harkness, Redevelopment Program Manager Dennis Korabiak and Principal Planner Andrew Crabtree provided an overview of the recommendations of the North San José Neighborhoods Planning Task Force.

Public Comments: Speaking to the North San José Neighborhoods Planning Task Force recommendations were: Jean Marlowe (Task Force), Michael Bertram (River Oaks Neighborhood Association), Michelle Beasley (Greenbelt Alliance), Paulo Hernandez, Bob Gross, Tom McCarter (Lamplighter Lookcrest), Kerri Hamilton, Jody Hansen (San José Silicon Valley Chamber of Commerce), Lonnie Gross and Cecily Talbert (Irvine Apartment Communities).

Motion: Council Member Chu moved approval of the memorandum he cosigned with Mayor Reed and the memorandum from Council Member Liccardo. Council Member Liccardo seconded the motion.

Council Member Chu amended his motion by deleting Item (d) in his memorandum dated April 18, 2008. Council Member Liccardo accepted the amendment.

## 9.1 (Cont'd.)

Action: On a call for the question, the motion carried unanimously, the memorandum from Mayor Reed and Council Member Chu, dated April 18, 2008, was approved with the following clarifications and amendments: (a) Acceptance of the Final Guiding Principles and the background reports on schools, parks and retail, constitutes an acknowledgement of the work efforts and outstanding contributions of the North San José Neighborhoods Planning Task Force and that of City and Redevelopment staff, consultant teams and executives of local schools and other agencies over the past eight months. The Guiding Principles are a valued set of recommendations that will advise and support staff efforts in the preparation of an Implementation Strategy to implement the North San José Vision 2030 Development Policy. (b) Staff directed to return to City Council within four months with a Draft North San José Implementation Strategy. The North San José Urban Design Guidelines, Grid Street Master Plan, the Guiding Principles and with other staff work program efforts pertinent to implementing Council Policy directives in North San José should be considered in the Implementation Strategy. Once adopted by City Council, the Implementation Strategy shall set the ground rules for implementation of the North San José Development Policy. (c) Staff should reconvene the North San José Neighborhoods Planning Task Force to get their comments on the Draft North San José Implementation Strategy. (d) Note: Item (d) was deleted per Council Member Chu and accepted by Council Member Liccardo. (e) Modify the Parks Plan to more clearly present the large swaths of land identified for community parks as opportunity sites, where all portions of the land instead of the entire site would be designated to satisfy the 35 acre total community park requirement. (f) Staff should actively and creatively pursue financing parks operation and related costs in the long term for sources other than the General Fund. Exploring opportunities for private developer and HOA funding will be a valuable exercise. (g) Until such time as the Implementation Strategy is adopted, Staff to continue to process development applications consistent with the North San José Policy and in the spirit in which the guiding principles were established. Silicon Valley is in constant change. The goal must be to ensure the economic viability of San José's premier employment center and to establish a successful new residential living environment supported by parks, schools and other public facilities. Processing certainty is a key element to site selection decision making by investors and the development community. It is critical in present market conditions to provide flexibility in the development process and not preclude investment in North San José by creating uncertainty. The Urban Design Guidelines and Grid Street Master Plan must be supportive and consistent with the economic development goals and must not become rigid rules that discourage major investments. (2) The memorandum from Council Member Liccardo, dated April 18, 2008, was approved, and the North San José Neighborhoods Planning Task Force recommendations were accepted. (10-0-1. Absent: Nguyen.)

## GENERAL PLAN PUBLIC HEARINGS ON CONSENT CALENDAR

Upon motion by Council Member Liccardo, seconded by Council Member Pyle, and carried unanimously, the General Plan Public Hearings on Consent Calendar were tentatively approved and the below listed actions were taken as indicated. (10-0-1. Absent: Nguyen.)

- 10.1 (a) Tentative approval of a General Plan Land Use/Transportation Diagram and text amendment request to change the Land Use/Transportation Diagram designation and to revise Appendix E of the San José 2020 General Plan to upgrade Coleman Avenue from Minor Arterial (80 -106 feet) to Major Arterial (115 -130 feet) between Hedding Street to the proposed extension of Autumn Street. (Various Owners, City of San José, Applicant). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0). CEQA: Resolution No. 72767. GP07-03-03/GPT07-03-03 – District 3**

Documents Filed: (1) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. GP07-03-03/GPT07-03-03, dated March 19, 2008, recommending approval. (2) Memorandum from Planning Commission Secretary Joseph Horwedel, dated April 1, 2008, transmitting the Planning Commission recommendation of approval.

Public Comment: Mayor Reed opened the public hearing. There was no testimony from the floor. Mayor Reed closed the public hearing.

Action: The Staff/Planning recommendation was tentatively approved. (10-0-1. Absent: Nguyen.)

- (b) Tentative approval of a General Plan Land Use/Transportation Diagram and text amendment request to change the Land Use/Transportation Diagram designation and to revise the text of the San José 2020 General Plan to establish an Airport Influence Area Overlay in the vicinity of the Reid Hillview Airport generally defined as the area bounded by Highway 680 to the north, Aborn Road to the south, White Road to the east, and Highway 101 to the west. (Various Owners, City of San José, Applicant). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1). CEQA: Negative Declaration for Amendments to the Santa Clara County Airport Land Use Commission's Land Use Plan for Areas Surrounding Santa Clara County Airports. SNI: East Valley/680, West Evergreen, and KONA. GP08-08-01/GPT08-08-01 - Council Districts 5, 7, and 8**

Documents Filed: (1) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. GP08-08-01/GPT08-08-01, dated March 19, 2008, recommending approval. (2) Memorandum from Planning Commission Secretary Joseph Horwedel, dated April 1, 2008, transmitting the Planning Commission recommendation of approval.

**10.1 (b) (Cont'd.)**

Public Comment: Mayor Reed opened the public hearing. There was no testimony from the floor. Mayor Reed closed the public hearing.

Action: The Staff/Planning recommendation was tentatively approved. (10-0-1. Absent: Nguyen.)

- (c) **Tentative approval of a General Plan text amendment request to change the *San José 2020 General Plan* to incorporate the US-101/Oakland/Mabury Transportation Development Policy as adopted by City Council Resolution No. 74195. (City of San José Staff, Applicant). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0). CEQA: Resolution No. 74195.1 SNI: 13th Street. GP08-T-04 – Districts 3 and 4**

Documents Filed: (1) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. GP08-T-04, dated March 19, 2008, recommending approval. (2) Memorandum from Planning Commission Secretary Joseph Horwedel, dated April 1, 2008, transmitting the Planning Commission recommendation of approval.

Public Comment: Mayor Reed opened the public hearing. There was no testimony from the floor. Mayor Reed closed the public hearing.

Action: The Staff/Planning recommendation was tentatively approved. (10-0-1. Absent: Nguyen.)

**END OF GENERAL PLAN HEARINGS ON CONSENT CALENDAR**

**GENERAL PLAN PUBLIC HEARINGS**

**10.2 Continue all General Plan amendment actions to May 6, 2008. (Planning, Building and Code Enforcement)**

Documents Filed: Proof of Publication of Notice of Public Hearing, executed on March 14, 2008, submitted by the City Clerk.

Action: Upon motion by Council Member Williams, seconded by Council Member Pyle and carried unanimously, Continued to May 6, 2008. (10-0-1. Absent: Nguyen.)

## **PUBLIC HEARINGS ON CONSENT CALENDAR**

Upon motion by Council Member Campos, seconded by Council Member Pyle, and carried unanimously, the Public Hearings on Consent Calendar were approved and the below listed actions were taken as indicated. (10-0-1. Absent: Nguyen.)

- 11.1 (a) Consideration of an ordinance rezoning the real property located at/on the north side of Michigan Avenue approximately 350 feet easterly of North 1<sup>st</sup> Street from CN Commercial Neighborhood Zoning District to A(PD) Planned Development Zoning District to allow up to 6 single-family detached residences on a 0.69 gross acre site (Schulman, Bennie and Linda S, Owners). CEQA: Mitigated Negative Declaration. PDC06-018 - District 4**

Action: Continued to June 3, 2008 per Administration.

- (b) Consideration of a director initiated ordinance preozoning the real property located on the east side of White Road, approximately 400 feet northerly of McKee Avenue (370 North White Road) from County to R-1-8 Single Family Residence Zoning District to allow residential uses on a 0.31 gross acre site (Bruno Zulpo, Owner). Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required. CEQA: Resolution No. 65459. C08-013 – District 5**

Documents Filed: (1) Memorandum from Director of Planning, Building and Code Enforcement Joseph Horwedel, dated February 15, 2008, transmitting the Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. C08-013, dated April 3, 2008, recommending approval. (2) Proof of Publication of Notice of Public Hearing, executed on April 11, 2008, submitted by the City Clerk.

Public Comment: Mayor Reed opened the public hearing. There was no testimony from the floor. Mayor Reed closed the public hearing.

Action: The recommendation of the Planning Director was approved, and [Ordinance No. 28291](#), entitled: “An Ordinance of the City of San José Prezoning Certain Real Property Situated at 370 North White Road (East Side of White Road, Approximately 400 Feet Northerly of McKee Avenue) from Unincorporated County to R-1-8 Single Family Residential Zoning District”, was passed for publication. (10-0-1. Absent: Nguyen.)

- 11.1 (c) **Consideration of an ordinance rezoning the real property located on the southeast corner of Race Street and Garland Avenue (78 Race Street) from CN Commercial Neighborhood Zoning district to CP Commercial Pedestrian Zoning District to allow commercial uses on a 0.38 gross acre site (Farhang Soltanzad and Fahry Najmi Trustee, Owner). Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required. CEQA: Resolution No. 65459.**  
**C08-011 – District 6**

Documents Filed: (1) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. C08-013, dated April 7, 2008, recommending approval. (2) Proof of Publication of Notice of Public Hearing, executed on April 11, 2008, submitted by the City Clerk.

Public Comment: Mayor Reed opened the public hearing. Rebecca Schoenenberger voiced objections to the project. Mayor Reed closed the public hearing.

Action: Upon motion by Council Member Oliverio, seconded by Council Member Constant and carried unanimously, the recommendation of the Planning Director was approved, and [Ordinance No. 28292](#), entitled: “An Ordinance of the City of San José Rezoning Certain Real Property Situated on the Southeast Corner of Race Street and Garland (78 Race Street) to CP Commercial Pedestrian Zoning District”, was passed for publication. (10-0-1. Absent: Nguyen.)

- (d) **Consideration of an ordinance rezoning the real property located on the southeast corner of Stevens Creek and South Winchester Boulevard (Santana Row) from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to (1) modify perimeter setbacks and (2) change allowed uses, including the elimination of previously entitled 22,500 square feet of retail uses, a 190 room hotel and 229 residential dwelling units. This proposal would allow the addition of 160,000 square feet of office/commercial uses on a 40.78 gross acre site (FRIT San José Town & Country Village LLC, c/o Randy Paul, Developer). Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required. CEQA: EIR Resolution No. 68210 and Addendum thereto.**  
**PDC07-095 – District 6**

Action: Continued to April 29, 2008 in the afternoon per the Applicant’s request.



- 11.1 (e) **Consideration of an ordinance rezoning the real property located at/on the north side of Redmond Avenue, approximately 150 feet east of Moss Oak Way (11819 Redmond Avenue) from R-1-5(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow a second unit containing 1,034 square feet on a 0.56 gross acre site (Mancuso, Albert S and Clara L, Owners). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0). CEQA: Exempt.  
PDC07-075 - District 10**

Documents Filed: (1) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. PDC06-112, dated March 26, 2008, recommending approval. (2) Memorandum from Planning Commission Secretary Joseph Horwedel, dated April 1, 2008, transmitting the Planning Commission recommendation of approval. (3) Proof of Publication of Notice of Public Hearing, executed on March 14, 2008, submitted by the City Clerk.

Public Comment: Mayor Reed opened the public hearing. There was no testimony from the floor. Mayor Reed closed the public hearing.

Action: The recommendation of the Planning Commission and the Planning Director was approved, and [Ordinance No. 28293](#), entitled: "An Ordinance of the City of San José Rezoning Certain Real Property Situated on the North Side of Redmond Avenue, Approximately 150 Feet east of Moss Oak Way (11819 Redmond Avenue) to A(PD) Planned Development Zoning District", was passed for publication. (10-0-1. Absent: Nguyen.)

**END OF PUBLIC HEARINGS ON CONSENT CALENDAR**

## **PUBLIC HEARINGS**

- 11.2 Consideration of an ordinance rezoning the real property located at the southeast corner of Yerba Buena Road and Highway 101 (3800 Dove Hill Road) from the A(PD) Residential Zoning District to the A(PD) Residential Zoning District to allow 29 single-family detached residences on a 7.24 gross acre site (Joey and Frances Lo, Owners). CEQA: Incomplete.  
PDC07-097 – District 8  
(Continued from 3/18/08 – Item 11.4)**

Documents Filed: (1) Memorandum from Director of Planning, Building and Code Enforcement Joseph Horwedel, dated February 25, 2008, transmitting the Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. PDC07-097, dated March 5, 2008. (2) Proof of Publication of Notice of Public Hearing, executed on February 29, 2008, submitted by the City Clerk.

Action: Item 11.2 was dropped.

- 11.3 Consideration of an ordinance rezoning the real property located on the west side of Lincoln Avenue extending from West San Carlos Street to the south and Pacific Avenue to the north, excluding the northwest corner of West San Carlos and Lincoln Avenue to allow the demolition of existing structures and the construction of 39 single-family attached residential and 2 live/work lofts on a 0.91 gross acre site (James & Tina Jean, Owners). SNI: Burbank/Del Monte. CEQA: Mitigated Negative Declaration.  
PDC07-017 – District 6  
(Continued from 4/8/08 – Item 11.7)**

Action: Continued to May 6, 2008 per Administration.

- 11.4 Consideration of an ordinance of the City of San José amending Part 12 of Chapter 20.100 of Title 20 of the San José Municipal Code to allow businesses that maintain a valid entertainment permit under Title 6 of the San José Municipal Code the ability to obtain a Sidewalk Café Permit to operate a sidewalk café in the downtown, to allow retail sales establishments the ability to operate a sidewalk café, and making other clarifying changes to said Part 12 of Chapter 20.100 (The Sidewalk Café Permitting Process) and to related definitions set forth in Chapter 20.200, all of Title 20 of the San José Municipal Code. CEQA: Exempt, File No. PP06-041. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (4-3-0).  
Citywide**

Action: Continued to April 29, 2008 in the afternoon.

**11.5 Consideration of an ordinance rezoning the real property located at/on the northeast corner of Baypointe Parkway and Tasman Drive (166 Baypointe Parkway) from the IP – Industrial Park Zoning District to the A(PD) Planned Development Zoning District to allow up to 239 single-family attached residences and 6,000 square feet of commercial uses on a 2.86 gross acre site (William H and Leila A Cilker Trustee, Owner; Trammell Crow Residential, Developer). CEQA: EIR Resolution No. 72768 and Addendum thereto. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0). PDC07-080 - District 4**

Documents Filed: (1) Memorandum from Council Member Chu, dated April 18, 2008, recommending approval of the Staff recommendation with further direction noted below in “Action”. (2) Memorandum from Director of Planning, Building and Code Enforcement Joseph Horwedel, dated April 1, 2008, transmitting the Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. PDC07-080, dated April 2, 2008, recommending approval. (3) Memorandum from Planning Commission Secretary Joseph Horwedel, dated April 10, 2008, transmitting the Planning Commission recommendation of approval. (4) Supplemental memorandum from Director of Planning, Building and Code Enforcement Joseph Horwedel, dated April 18, 2008, recommending a minor modification to the development standards for the proposed rezoning. (5) Proof of Publication of Notice of Public Hearing, executed on March 14, 2008, submitted by the City Clerk. (6) Letter from Trammell Crow Residential, dated April 21, 2008, regarding the rezoning.

Mayor Reed opened the public hearing.

Public Comment: Cecily Talbert (Trammell Crow) provided a brief overview of the mixed use transit oriented development. Mayor Reed closed the public hearing.

Motion: Council Member Chu moved approval of his memorandum dated April 18, 2008, with direction as noted below in “Action”. Council Member Pyle seconded the motion.

Council Member Constant expressed concern to adding conditions to the project that are not standard City policies. Council Member Oliverio stated he supports taller structures.

Action: On a call for the question, the motion carried unanimously, the recommendation of the Planning Commission and the Planning Director was approved, the memorandum from Council Member Chu, dated April 18, 2008, was approved with the following conditions: (1) City and Agency directed to begin negotiations with the property owners of 191 Baypointe Parkway to acquire the 3 acre site for parkland. (2) Developer directed to implement green building techniques to achieve credits sufficient for a LEED Silver or equivalent standard. (3) Developer directed to work with the City and its HeartSafe City Initiative to assess the feasibility of the installation of external defibrillators as a special feature of the residential development, and [Ordinance No. 28294](#), entitled: “An Ordinance of the City of San José Rezoning Certain Real Property Situated at the Northeast Corner of Tasman Drive and Baypointe Parkway (166 Baypointe Parkway) to A(PD) Planned Development Zoning District”, was passed for publication. (8-2-1. Noes: Constant, Oliverio. Absent: Nguyen.)

## NOTICE OF CITY ENGINEER'S PENDING DECISION ON FINAL MAPS

In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/ Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9949	S/S Shenado Pl, 500' E Gerine Blossom Dr	2	Shenado Place, LLC	7 Lots / 6 Units	SFD	Approve

## ADJOURNMENT

The Council of the City of San José adjourned at 8:51 p.m. in memory of “Mom” Mosley, a dedicated and loving foster parent to over 700 abused and neglected boys ages 9 to 17.

Minutes Recorded, Prepared and Respectfully Submitted by,

Lee Price, MMC  
City Clerk

smd/4-22-08 MIN

Access the video, the agenda and related reports for this meeting by visiting the City's website at <http://www.sanjoseca.gov/clerk/agenda.asp> or <http://www.sanjoseca.gov/clerk/MeetingArchive.asp>. For information on any ordinance that is not hyperlinked to this document, please contact the Office of the City Clerk at (408) 535-1266.

## JOINT REDEVELOPMENT AGENCY

The Joint Redevelopment Agency Board convened at 5:19 p.m. to consider Item 8.1 in a Joint Session.

- 8.1 (a) **Adoption of a resolution by the City Council making certain determinations required by Redevelopment Law, Health and Safety Code Section 33445, for Agency funding of streetscape work in the East Santa Clara Street Redevelopment Project Area.**
- (b) **Adoption of resolutions by the Redevelopment Agency Board:**
- (1) **Making certain determinations required by Redevelopment Law, Health and Safety Code Section 33445, for Agency funding of streetscape work on Lincoln Avenue in the Strong Neighborhoods Initiative (SNI) Redevelopment Project Area and primarily benefiting the Greater Gardner and Burbank/Del Monte neighborhoods of the SNI Redevelopment Project Area.**
  - (2) **Awarding a contract to TruGreen LandCare, Inc., the low bidder in the amount of \$59,080 and establishing a contingency in the amount of \$6,000, for a total contract amount not to exceed \$65,080 for the East Santa Clara and Lincoln Avenue Tree Planting Project.**

**CEQA: Exempt, File No. PP08-035. [SNI]**

Documents Filed: Memorandum from Redevelopment Agency Executive Director Harry S. Mavrogenes, dated April 10, 2008, recommending adoption of resolutions.

Action: Upon motion by Council Member Oliverio, seconded by Council Member Liccardo and carried unanimously, [Resolution No. 74355](#), entitled: “A Resolution of the Council of the City of San José Making Certain Determinations Required by Redevelopment Law, Health and Safety Code Section 33445, for Agency Funding of Streetscape Work in the East Santa Clara Street Neighborhood Business District Redevelopment Project Area and that Portion of the Project Which Falls Outside a Redevelopment Project Area but Adjacent to the Greater Gardner and Burbank/Del Monte Strong Neighborhood Redevelopment Project Areas and that Such Improvements Located Outside a Redevelopment Project Area will Primarily Benefit the Adjacent Redevelopment Project Areas”; Redevelopment Agency Resolution No. 5821, entitled: “A Resolution of the Board of Directors of the Redevelopment Agency of the City of San José Finding that the Streetscape Work on Lincoln Avenue will be of Primary Benefit to the Greater Gardner and Burbank/Del Monte Neighborhoods of the Strong Neighborhoods Initiative Redevelopment Project Area” and Redevelopment Agency Resolution No. 5822, entitled: “A Resolution of the Board of Directors of the Redevelopment Agency of the City of San José Approving the Award of the Construction Contract to Trugreen Landcare, Inc., the Lowest Bidder in the Amount of \$59,080, Authorizing a Construction Contingency in the Amount of \$6,000 for a Total Contract Amount of \$65,080, for the East Santa Clara and Lincoln Avenue Tree Planting Project”, were adopted. (10-0-1. Absent: Nguyen.)

The Council of the City of San José and Redevelopment Agency Board was adjourned at 5:20 p.m.